

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:13CV153-RLV**

|  |   |                                      |
|--|---|--------------------------------------|
| <b>SPRING PITTS,</b>                           | ) |                                      |
| <b>Plaintiff,</b>                              | ) |                                      |
|  | ) |                                      |
| <b>vs.</b>                                     | ) | <b><u>Memorandum &amp; Order</u></b> |
|  | ) |                                      |
| <b>CAROLYN W. COLVIN,</b>                      | ) |                                      |
| <b>Acting Commissioner of Social Security,</b> | ) |                                      |
| <b>Defendant.</b>                              | ) |                                      |
| _____  | ) |                                      |

**THIS MATTER** is before the Court on Plaintiff’s Motion for Judgment on the Pleadings and Defendant’s Motion for Summary Judgment. (Docs. 9, 15). Pursuant to 28 U.S.C. §636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In an opinion filed September 26, 2014, the Magistrate Judge recommended that Plaintiff Pitts’ motion be denied; that Defendant’s summary judgment motion be granted; and the Commissioner’s determination be affirmed. (Doc. 16 / M & R at 13– 14). The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(c), and no objections have been filed by either party in this matter.

After a careful review of the Magistrate Judge’s Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315-16 (4th Cir. 2005) (“[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is

required in considering a memorandum and recommendation absent specific objections). Accordingly, the Court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion for Judgment on the Pleadings is hereby **DENIED**; Defendant's Motion for Summary Judgment is hereby **GRANTED**; and the Commissioner's denial of benefits hereby **AFFIRMED**.

Signed: December 3, 2014

A handwritten signature in cursive script, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

